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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,614	01/20/2000	Evgeniy M. Getsin	IACTP015	4713
22242	7590	01/12/2005	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/488,614	GETSIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Johnny Ma	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 June 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 19-32 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 19-32 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 9/24/2004.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Applicant's arguments with respect to claims 19-32 have been considered but are moot in view of the new ground(s) of rejection.

In regard to applicant's argument that “[i]ncorporating a predetermined threshold period in Kinney et al. would render Kinney et al. unsatisfactory for its intended purpose because it would require movie editing sessions to be set up in advance and then have the users waiting around for the start of the editing session. This would lead to a loss in productivity during the process of editing a movie.” The examiner respectfully disagrees. Although the examiner acknowledges that the Kinney et al. reference discloses “[t]he present invention allows participants to improve productivity,” the Kinney et al. reference further discloses the increase in productivity is directed to “areas which require large amounts of interactive review of a movie” (Kinney 2:31-32). Thus, it is unclear why setting up a movie editing session in advance would render Kinney et al. unsatisfactory for its intended purpose. The increase in productivity is the result of allowing plural users to edit movies simultaneously, this is supported by Kinney et al. disclosing “[a] system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” (Kinney 3:9-12). Rather than setting up a movie editing session in advance would facilitate the purpose of the Kinney et al. invention by allowing users to simultaneously view movies during the entire session.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinney et al. (US 5,808,662) in further view of Bookspan et al. (US 6,636,888 B1).

As to claim 19, note the Kinney et al. reference discloses the synchronized, interactive playback of digital movies across a network. The claimed “the simultaneous event to include a plurality of client apparatuses” is met by “[a] system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” (Kinney 3:9-12). The claimed “sending a command to the client apparatus in response to receiving the request from the client apparatus” is met by “a ‘Hello’ event indicates that a new participant is joining the shared play back session. In response to this event, the participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session (Kinney 6:10-14). Note, the Kinney et al. reference discloses “[a] system and method is described that allows two or more participants at separate locations to simultaneously view and control the playing of the movie” (Kinney 3:9-12) that “allows participants to join the session asynchronously” (Kinney 6:14-15). However, the Kinney et al. reference is silent as to how such a simultaneous session is initiated. Now note the Bookspan et al. reference that discloses scheduling presentation broadcasts in an integrated network environment. The claimed “determining a start time of a simultaneous event” is met by scheduling a presentation broadcast to an audience at a future date and time (Bookspan 7:24-27; 14:10-12). The claimed “receiving a request prior to the start time from a client apparatus to take part in the simultaneous event” is met by “[u]sers can manually join the presentation broadcast by activating the join NETSHOW button...[or] [c]licking on the hyperlink will take the attendee

to a web page from where the presentation broadcast can be viewed" (Bookspan 15:62-16:27) wherein such requests are made prior to the start time of the presentation as evidenced by Figures 14 ("Broadcast is Scheduled to Start in 12 Minutes 20 Seconds") and Figure 16 ("The broadcast should begin in the next five minutes") (Bookspan). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. simultaneous viewing session with the Bookspan scheduled presentation start time for the purpose of allowing the two or more participants at separate locations to simultaneously view and control the playing of the movie to begin the session at the same time so that the entire editing session may be acted on by the whole group.

The claimed "if the request is received during a predetermined threshold period" is met by the Kinney and Bookspan combination as discussed above teaching a simultaneous viewing session allowing users to join a session prior to a presentation start time.

The claimed "wherein the command relates to starting the simultaneous event on the client apparatus" is met by the Kinney and Bookspan combination as discussed above teaching a simultaneous viewing session allowing users to join a session prior to a presentation start time wherein transmitted events including a play command to initiate playback of the presentation at the scheduled time.

As to claim 20, the claimed "further comprising determining a current time" is met by that discussed in the rejection of claim 19 where the display comprises a count down of time remaining until the presentation begins. Note that determining a current time is inherent to the calculation and display of the time remaining.

As to claim 21, the claimed “wherein the command includes chapter information.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including chapter information associated with the DVD. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages.

As to claim 22, the claimed “wherein the starting of the simultaneous event on the client apparatus includes starting playback of local content stored at the client apparatus” is met by media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53).

As to claim 23, the claimed “wherein the local content is stored on a DVD”. The Kinney et al. reference discloses media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory

(RAM), or a direct access storage device (DASD) (3:49-53). However, the Kinney et al. reference does not specifically disclose a digital video disc (DVD). Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to distribute media using digital video discs for the purpose of providing higher quality images and a medium capable of storing large quantities of data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. media file accordingly for the stated advantages.

As to claim 24, the claimed “wherein the command is a DVD command.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including DVD command. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages. Note the chapter information events satisfies the DVD command as claimed.

As to claim 25, please see rejection of claim 24 where the chapter information seek command is based upon a decoder since the decoder inherently decodes the data representative of the specified chapter (DVD Command).

As to claim 26, the claimed “further comprising a second command for sending to the client apparatus” is met by “[t]ransport control logic 170 allows a participant to control the actions of a movie. Specific actions that the participant can initiate are, for example, normal playback, stop, fast and slow reverse, fast and slow forward, and seek” (Kinney 4:41-45) wherein corresponding commands are sent in order to synchronize playback on the plurality of devices (Kinney 5:36-6:37).

As to claim 27, the claimed “determining a time for the second command to be sent to the client apparatus” is met by “[t]he sequence number allows each event to be processed by each participant in the same order that the action was specified” (Kinney 5:43-45). The claimed “sending the second command to the client apparatus” is met by “[c]ommunication between participants takes place by the transfer of a number of data structures, or ‘events’, that are transferred over network 160” wherein the processed commands result in corresponding events being sent to the plurality of devices to synchronize the presentation (Kinney 5:36-6:37).

As to claim 28, the claimed “wherein the second command includes chapter information.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation “participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including chapter information associated with the DVD. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek

operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages.

As to claim 29, the claimed “wherein the starting of the simultaneous event on the client apparatus includes starting playback of local content stored at the client apparatus” is met by media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53).

As to claim 30, the claimed “wherein the local content is stored on a DVD”. The Kinney et al. reference discloses media file 115 is a storage device that contains enough memory to store a movie (3:42-43). Media file 115 may take many forms including, but not limited to, CD ROM, a floppy disk, a hard disk, an optical disk, a read only memory (ROM), a random access memory (RAM), or a direct access storage device (DASD) (3:49-53). However, the Kinney et al. reference does not specifically disclose a digital video disc (DVD). Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to distribute media using digital video discs for the purpose of providing higher quality images and a medium capable of storing large quantities of data. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. media file accordingly for the stated advantages.

As to claim 31, the claimed “wherein the second command is a DVD command.” The Kinney et al. reference discloses when joining the simultaneous viewing presentation

“participant receives events (e.g., seek and play) needed to synchronize the new participant with the other participants in the session” (Kinney et al. 6:10-14) where the “seek event” includes a tag that indicates a specific frame within the movie to be displayed (Kinney et al. 6:1-3). However, the Kinney et al. reference does not specifically disclose a seek command including DVD command. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to jump to certain portions of a DVD using chapter information for the purpose of providing an readily available to facilitate seek operations in a media file. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kinney et al. seek event accordingly for the stated advantages. Note the chapter information events satisfies the DVD command as claimed.

As to claim 32, the claimed “further comprising sending the second command based upon a lapsed time of the event” is met by that discussed in the rejection of claim 26 where playback commands are initiated during various sections of the presentation, such sections inherently comprising lapsed times of the presentation that satisfies the based upon a lapsed time as claimed. Furthermore, “[s]eek event further includes a time and a timescale./ Time equals the number of frames the participant wants to advance into the movie” (Kinney 6:3-5).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Rothrock et al. reference (US 5,729,687) discloses a system for sending differences between joining meeting information and public meeting information between participants in computer conference upon comparing annotations of joining and public meeting information.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600